

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CRYSTAL FRYE,

Plaintiff,

vs.

1012582 ONTARIO, LTD., et al.,

Defendants.

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Case No. 4:05CV01239 AGF

ORDER

Following a hearing on pending motions, and for the reasons stated in open court,

IT IS HEREBY ORDERED that Defendants' motion [Doc. #36] for a protective order with respect to Plaintiff's deposition notices is **DENIED**, with the following qualifications:

(a) Plaintiff shall be allowed one day of seven (7) hours to take the deposition of John Chattaway.

(b) Plaintiff shall be allowed one day of seven (7) hours to take the deposition of George Mallouk.

(c) Plaintiff shall be allowed a total of one day of seven (7) hours to take the depositions of Anna Falzman, Mike Johnson, Dave Wrigley, and Barb Woodhouse.

(d) Defendants shall expend reasonable efforts to make Mr. Wrigley and Ms. Woodhouse available for deposition, and shall provide Plaintiff with reasonable notice if such efforts are not successful.

The Court cautions the Plaintiff that it will entertain a motion by Defendants for sanctions if these depositions are unnecessarily extended, even within the time limits allowed, with irrelevant matters. Likewise, the Court cautions Defendants that it will

entertain a motion by Plaintiff for sanctions due to any obstructive tactics employed by Defendants during the depositions.

IT IS FURTHER ORDERED that Plaintiff's Motion, as amended, for an order setting deposition protocol is **DENIED**. [Docs. #40 & #45] The parties are aware of their obligations under the Federal Rules of Civil Procedure and should conduct themselves in accordance with those Rules.

IT IS FURTHER ORDERED that Defendants' motion to quash deposition notices of oral and videotaped depositions is **GRANTED** to the extent that the designation of the deponents as "corporate representatives" shall be stricken from the deposition notices. [Doc. #42]

IT IS FURTHER ORDERED that Defendants' motion for a protective order with respect to Plaintiff's notice of video deposition duces tecum is **GRANTED** with respect to the Defendants' financial history prior to the date of the accident in question. Defendants shall be required to provide Plaintiff, in a timely fashion, information regarding their current net worth and their net worth on the date of the accident, in the event that the issue of punitive damages is determined to be a question for the jury. [Doc. #43]

/s/ Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 12th day of May, 2006.